



Heather Gardens METROPOLITAN DISTRICT

HEATHER GARDENS METROPOLITAN DISTRICT BOARD ACTION

DATE: NOVEMBER 21, 2024

MOTION NUMBER: 2024-11-21-3

MOTION: CCW POLICY

I move that the Heather Gardens Metropolitan District Board of Directors establish the following policy regarding firearms on District property and post signs at all entrances to the HGMD Clubhouse stating "Firearms Prohibited Without a CCW Permit" so as to allow a person who possesses a valid Colorado concealed weapon permit (CCW) to carry a concealed handgun in the Clubhouse and adjacent parking areas per Colorado Revised Statute Section 18-12-105.3 (4) (b) .

ECONOMIC COST TO THE DISTRICT: Less than \$50
APPROPRIATED BY: Operating Expense

Motion by: Forrest McClure

Second by:

Rationale: Anyone with evil intent could bring a weapon, concealed or otherwise, into the Clubhouse and there is little we can do to stop that. Prohibiting persons who have a CCW permit from doing so only restricts law abiding citizens who have met numerous qualifications:

(1) A sheriff conducts a background check and only issues the permit to an applicant who:

- (a) Is a legal resident of the state of Colorado.
- (b) Is twenty-one years of age or older;
- (c) Is not ineligible to possess a firearm pursuant to federal law;
- (d) Has not been convicted of perjury;
- (e) Does not chronically and habitually abuse alcohol;
- (f) Is not an unlawful user of or addicted to a controlled substance;
- (g) Is not subject to a protection order;
- (h) Demonstrates competence with a handgun by providing evidence of experience with a firearm through participation in organized shooting competitions or current or recent military service or is a certified instructor or has a certificate showing retirement from a Colorado law enforcement agency; or has a training certificate from a handgun training class.

(2) Regardless of whether an applicant meets the criteria specified above, if the sheriff has a reasonable belief that applicant's previous behavior makes it likely the applicant will present a danger to self or others the sheriff may deny the permit.

Debate: _____

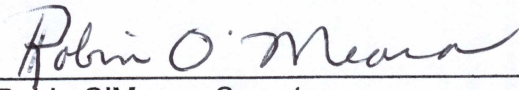
Secondary Motion to : _____

Secondary Motion by: _____ Second by: _____

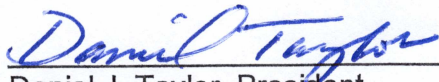
VOTE:

| | Yes | No | Yes | No |
|-----------------|-----|----|-----|----|
| Eloise Laubach | ✓ | | | |
| Forrest McClure | ✓ | | | |
| Robin O'Meara | ✓ | | | |
| Daniel Taylor | ✓ | | | |
| Steve Stratton | ✓ | | | |
| Total | 5 | | | |

The secondary motion does/does not have a majority and passes/fails.
The main motion does/does not have a majority and passes/fails.



Robin O'Meara, Secretary
HGMD Board of Directors



Daniel J. Taylor, President
HGMD Board of Directors

Reference: CRS Section 18-12-105.3 - Unlawful carrying of a firearm in government buildings - penalty – definitions:

(1) a person shall not knowingly carry a firearm, whether loaded or not loaded, in any of the following locations, including their adjacent parking areas:

- (a) On the property of or within any building in which:
 - (I) The chambers, galleries, or offices of the general assembly, or either house thereof, are located;
 - (II) a legislative hearing or meeting of the general assembly is being conducted; or
 - (III) The official office of any member, officer, or employee of the general assembly is located;
- (b) Unless permitted by a local government, as described in subsection (4)(b) of this section, on the property or within any building in which:
 - (I) The chambers or galleries of a local government's governing body are located;
 - (II) a meeting of a local government's governing body is being conducted; or
 - (III) The official office of any elected member of a local government's governing body or of the chief executive officer of a local government is located; or
- (c) a courthouse or any other building or portion of a building used for court proceedings.

(2) This section does not apply to:

- (a) a peace officer carrying a firearm pursuant to the authority granted in section 16-2.5-101 (2);
- (b) A member of the United States armed forces or Colorado National Guard when engaged in the lawful discharge of the member's official duties;
- (c) Security personnel employed or retained by an entity that controls or operates a place described in this section and security personnel described in section 24-33.5-216.7 (5) while engaged in the security personnel's official duties;
- (d) Law enforcement personnel, defense counsel personnel, and court personnel carrying or possessing a firearm in the performance of their official duties as part of the lawful and common practices of a legal proceeding; and
- (e) A person who holds a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article 12 who is carrying a concealed handgun in the adjacent parking area of a location listed in subsection (1) of this section.

(3) a person commits unlawful carrying of a firearm in a government building if the person violates subsection (1) of this section. Unlawful carrying of a firearm in a government building is a class 1 misdemeanor.

(4)

- (a) This section does not prohibit a local government from enacting an ordinance, regulation, or other law pursuant to section 18-12-214 or 29-11.7-104 that prohibits a person from carrying a firearm in a specified place.
- (b) a local government may enact an ordinance, regulation, or other law that permits a person to carry a firearm at place described in subsection (1)(b) of this section.

(5) Nothing in this section prohibits a person from securely storing a firearm in a vehicle, as required by state law, that is at a location described in this section.

(6) As used in this section, unless the context otherwise requires:

(a) "Governing body" has the same meaning set forth in section 29-1-102.

(b) "Local government" means any city, county, city and county, special district, or other political subdivision of this state, or any department, agency, or instrumentality thereof.

C.R.S. § 18-12-105.3

Added by 2024 Ch. 301, § 2, eff. 7/1/2024, app. to offenses committed on or after 7/1/2024.